

Supreme Court of Pennsylvania

Court of Common Pleas
Civil Cover Sheet

Lycoming

County

For Prothonotary Use Only:

Docket No:

CV 22 - 00325

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

Commencement of Action:

- ☒ Complaint ☐ Writ of Summons ☐ Petition
☐ Transfer from Another Jurisdiction ☐ Declaration of Taking

Lead Plaintiff's Name:

GLADYS KLOPP

Lead Defendant's Name:

WAL-MART STORES, INC d/b/a WALMART

Are money damages requested? ☒ Yes ☐ NoDollar Amount Requested: ☐ within arbitration limits
(check one) ☒ outside arbitration limitsIs this a Class Action Suit? ☐ Yes ☒ NoIs this an MDJ Appeal? ☐ Yes ☒ No

Name of Plaintiff/Appellant's Attorney: Christian P. LaBietta, Esquire

☐ Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

SECTION B

Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

- ☐ Intentional
☐ Malicious Prosecution
☐ Motor Vehicle
☐ Nuisance
☒ Premises Liability
☐ Product Liability (does not include mass tort)
☐ Slander/Libel/ Defamation
☐ Other:

MASS TORT

- ☐ Asbestos
☐ Tobacco
☐ Toxic Tort - DES
☐ Toxic Tort - Implant
☐ Toxic Waste
☐ Other:

PROFESSIONAL LIABILITY

- ☐ Dental
☐ Legal
☐ Medical
☐ Other Professional:

CONTRACT (do not include Judgments)

- ☐ Buyer Plaintiff
☐ Debt Collection: Credit Card
☐ Debt Collection: Other

- ☐ Employment Dispute: Discrimination
☐ Employment Dispute: Other

☐ Other:**REAL PROPERTY**

- ☐ Ejectment
☐ Eminent Domain/Condemnation
☐ Ground Rent
☐ Landlord/Tenant Dispute
☐ Mortgage Foreclosure: Residential
☐ Mortgage Foreclosure: Commercial
☐ Partition
☐ Quiet Title
☐ Other:

CIVIL APPEALS

- ☐ Administrative Agencies
☐ Board of Assessment
☐ Board of Elections
☐ Dept. of Transportation
☐ Statutory Appeal: Other

☐ Zoning Board☐ Other:**MISCELLANEOUS**

- ☐ Common Law/Statutory Arbitration
☐ Declaratory Judgment
☐ Mandamus
☐ Non-Domestic Relations
☐ Restraining Order
☐ Quo Warranto
☐ Replevin
☐ Other:

GLADYS KLOPP

Plaintiff

vs.

WAL-MART STORES, INC, d/b/a WALMART, et al.

Defendant

: IN THE COURT OF COMMON PLEAS OF
: LYCOMING COUNTY, PENNSYLVANIA

: CIVIL ACTION - LAW

: NO.

CV 22 - 00325

NOTICE TO DEFEND AND CLAIM RIGHTS

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Pennsylvania Bar Association
Lawyer Referral Service
100 South Street (P.O. Box 186)
Harrisburg, PA 17108
(800) 692-7375

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Lycoming County is required by law to comply with the Americans With Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the office of the Lycoming County Court Administrator, Lycoming County Courthouse, 48 West Third Street, Williamsport, PA 17701, Telephone No. (570) 327-2330. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

Date: March 25, 2022


(signature)

Name: Christian P. LaBietta, Esquire

Address: 200 Barr Harbor Dr., Suite 400
Conshohocken, PA 19428

Phone: 610-828-3339

LABLETTA & WALTERS LLC
By: CHRISTIAN P. LABLETTA, ESQUIRE
ATTORNEY I.D. #90545
Four Tower Bridge
200 Barr Harbor Drive, Suite 400
Conshohocken, PA 19428
(610) 828-3339

ATTORNEY FOR PLAINTIFF

GLADYS KLOPP
900 NICHOLS PLACE, APT. 305
WILLIAMSPORT, PA 17701

Plaintiff,

v.

WAL-MART STORES, INC., d/b/a
WALMART
702 S.W. 8TH STREET
BENTONVILLE AR 72716

WAL-MART STORES EAST, INC, d/b/a.
WALMART
702 S.W. 8TH STREET
BENTONVILLE AR 72716

WALMART
1015 N LOYALSOCK AVE
MONTOURSVILLE, PA 17754

Defendants,

COURT OF COMMON PLEAS
LYCOMING COUNTY

CV 22 - 00325

DOCKET NO.

MAJOR JURY

RECEIVED
CLERK OF COURT
JUL 11 2022
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COMPLAINT

AND NOW, comes the plaintiff, Gladys Klopp, by and through her attorney, Christian P. LaBletta, Esquire of LaBletta & Walters LLC and avers as follows:

Parties

1. Plaintiff, Gladys Klopp, is an adult individual residing at 900 Nichols Place, Apt. 305, Williamsport, PA 17701.

2. Defendant, Wal-Mart Stores, Inc. d/b/a Walmart, is a business entity with its principal place of business located at 702 S.W. 8th Street, Bentonville AR 72716

3. Defendant, Wal-Mart Stores East, Inc. d/b/a Walmart, is a business entity with its principal place of business located at 702 S.W. 8th Street, Bentonville AR 72716

4. Defendant, Walmart, is a business entity operating in the Commonwealth of Pennsylvania with a business location of 1015 N. Loyalsock Ave, Montoursville, PA 17754.

5. Defendants, (hereinafter collectively "Walmart") is a business entity which regularly conduct business in the County of Lycoming, including but not limited to ownership and management of the location at 1015 N. Loyalsock Ave, Montoursville, PA 17754

6. At all times relevant hereto, defendants owned and/or were in the exclusive possession, management and control of the aforementioned Walmart Store located at 1015 N. Loyalsock Avenue, Montoursville, PA 17754.

Facts

7. On or about May 26, 2020, plaintiff, was a customer at Walmart.

8. While attempting to enter the store, plaintiff was caused to trip and fall, suffering injury.

9. Specifically, at the time of the fall, Walmart, had the usual entrance to the building blocked off and/or roped off due to Covid-19, and a temporary entrance and pathway with ropes was set up for customers.

10. The purposes of closing off the usual entrance to the building and setting up a temporary pathway with ropes was to limit the number of patrons in the store, and the customers were directed to wait and/or enter the store in this new, designated area before entering the store.

11. However, the area where the new, temporary pathway to enter the store was

located, did not have a ramp to access, the curb was not cut, and there were no handrails, and patrons, including elderly patrons like the Plaintiff, were required to traverse the curb in order to enter the store.

12. When the Plaintiff attempted to enter the store through this new, temporary entrance and/or pathway, she tripped and fall causing plaintiff to suffer significant injury.

COUNT I
Negligence
Gladys Klopp v. All Defendants

13. Plaintiff incorporates herein all preceding paragraphs of this Complaint as though fully set forth at length.

14. The accident was caused exclusively and solely by the defendants' negligence, in that:

- (a) defendants caused or permitted the entrance of the store to be altered, but still be used and accessed by customers, and said new / temporary entrance did not access, handrails, stairs, ramp or other means to access the store;
- (b) defendants failed to make a reasonable inspection of the new, temporary entrance, which would have revealed the dangerous condition created by the fact that it did not have stairs, ramp, handrail, or other reasonable means to enter the store;
- (c) defendants failed to give warning of the dangerous condition created by the new, temporary entrance, and to take any other safety precautions to prevent injury to the plaintiff and other customers at the store;
- (d) defendants failed to ensure that the new temporary entrance make was safe and secure for customers, including plaintiff;
- (e) defendants failed to exercise reasonable prudence and due care to keep the new, temporary entrance in safe condition for plaintiff and other similarly invited patrons;
- (f) defendants violated State and Local ordinances pertaining to the maintenance of retail establishments, including but not limited the entrance of the store;
- (g) defendants maintained inadequate security and protection to its regarding the

new, temporary entrance;

- (h) defendant was provided prompt notice of the loss and injury, and was asked to preserve the condition of the property for an inspection before repairs and remediation were completed, so that evidence could be observed and inspected.
- (i) defendants were otherwise negligent under the circumstances.

15. The defendants, through their employees, servants and agents, either had actual notice of the unsafe and dangerous condition created by the condition of the new, temporary entrance and sufficient time to correct the dangerous situation, or the condition existed for so long a period of time prior to the occurrence that defendants, in the exercise of due care, could and should have known of such unsafe and dangerous condition.

16. Solely as a result of the negligence of defendants, plaintiff was caused to suffer various physical injuries, including but not limited to traumatic injury to her face, head, shoulder, back and other areas, requiring hospitalization and medical treatment.

17. As a direct result of the aforesaid trip and fall, plaintiff suffered severe shock to her nervous system, great physical pain, and mental anguish, all of which may continue for an indefinite period of time into the future.

18. Plaintiff has been compelled to expend various sums of money for medication and medical attention in attempting to remedy the aforementioned injuries.

19. As a result of the aforesaid trip and fall, plaintiff has sustained loss of enjoyment.

20. As a direct result of the trip and fall, plaintiff has been prevented from attending to her usual duties and obligations, and believes that she may be prevented from so doing in future, as her injuries seem to be permanent in nature.

WHEREFORE, plaintiff, Gladys Klopp, demands judgment against the defendants, jointly and severally, in an amount in excess of fifty thousand dollars, as well as other

damages recoverable under the law.

LABLETTA & WALTERS LLC

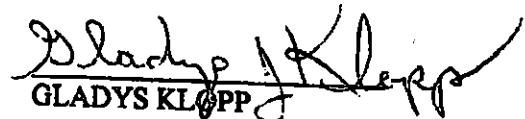
By: 
CHRISTIAN P. LABLETTA, ESQUIRE
Attorney for Plaintiff

Dated: March 25, 2022

VERIFICATION

I, GLADYS KLOPP, Plaintiff in the within action, hereby state that the facts set forth in the foregoing pleading are true and correct to the best of my knowledge, information and belief.

This Verification is made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.


GLADYS KLOPP

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Christian P. LaBletta

Signature: 

Name: Christian P. LaBletta

Attorney No. (if applicable): 90545

CERTIFIED MAIL

LABLETTA & WALTERS LLC

Four Tower Bridge
200 Barr Harbor Drive
Suite 400
Conshohocken, PA 19428



7021 2720 0001 1057 6733



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72716

U.S. POSTAGE
FCM LETTER
LAKE HURST, NJ
08731
APR 12 2022
AMCJNT
9758
R233H10032

Wal-Mart Stores East, Inc.
d/b/a Walmart
702 S.W. 8th Street
Bentonville, AR 72716

